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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

KRISHAN K. GOPAL

Plaintiff,

vs.

**KAPIL LUTHER, BRIKENA E.
LUTHER CALIFORNIA RELIEF LLC,**

and DOES 1-50 inclusive

Defendants.

Case No. 2:21-cv-00735-KJM-CKD

**MOTION TO COMPEL ARBITRATION
AND DISMISS, OR IN THE
ALTERNATIVE, STAY THE
PROCEEDINGS**

Date: May 28, 2021

Time: 10:00am

Courtroom: 3 (KJM)

TO PLAINTIFF AND HIS ATTORNEY OF RECORD

NOTICE IF HEREBY GIVEN that on May 28, 2021 at 10:00 am in Courtroom 3 of the United States District Court, Eastern District of California located at 501 I Street, Sacramento, CA, Defendants KAPIL LUTHER and BRIKENA E. LUTHER (“Defendants”) hereby move this Court for an order compelling arbitration and dismissal of the entire action, or in the alternative, stay the proceedings pending the outcome of arbitration pursuant to 9 U.S.C § 4 of the Federal Arbitration Act on the following grounds:

1. This matter is subject to a mandatory arbitration provision contained in a contract between the parties, and
2. No waiver of the arbitration provision has occurred.

1 Pursuant to the Court's Order re Filing Requirements (ECF No. 3-2) the parties have met
2 and conferred regarding the arbitration provision and any potential resolution prior to filing this
3 motion, but could not reach a resolution.

4 This Motion to Compel Arbitration is based upon this Notice, the concurrently filed
5 Memorandum of Points and Authorities, the Declaration of Kapil Luther with exhibits, and the
6 Declaration of Michael C. Mapes with exhibits.

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9 Dated: April 28, 2021

Signed: 

Michael C. Mapes
Attorney for Kapil Luther and
Brikena Luther